

ENROLLED ORDINANCE 158-104

AMEND THE WAUKESHA COUNTY SHORELAND AND FLOODLAND PROTECTION
ORDINANCE DISTRICT ZONING MAP OF THE CITY OF WAUKESHA BY
CONDITIONALLY REZONING CERTAIN LANDS LOCATED IN PART OF THE
NE ¼ OF THE SE ¼ OF SECTION 31, T7N, R19E, CITY OF WAUKESHA,
WAUKESHA COUNTY, WISCONSIN, FROM THE A-3 SUBURBAN ESTATE AND C-1
CONSERVANCY DISTRICTS TO THE R-3 RESIDENTIAL AND
C-1 CONSERVANCY DISTRICTS
(SVZ-1500)

WHEREAS the subject matter of this Ordinance having been duly referred to and considered by the Waukesha County Park and Planning Commission after Public Hearing and the giving of requisite notice of said hearing and a recommendation thereon reported to the Land Use, Parks and Environment Committee and the Waukesha County Board of Supervisors, Waukesha County, Wisconsin, as required by Section 59.692 of the Wisconsin State Statutes.

THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA DOES ORDAIN that the Waukesha County Shoreland and Floodland Protection Ordinance adopted on June 23, 1970, for the City of Waukesha, Waukesha County, is hereby amended to conditionally rezone certain lands located in part of the NE ¼ of the SE ¼ of Section 31, T7N, R19E, City of Waukesha, Waukesha County, Wisconsin, from the A-3 Suburban Estate and C-1 Conservancy Districts to the R-3 Residential and C-1 Conservancy Districts, and more specifically described in the "Staff Report and Recommendation" and map on file in the office of the Waukesha County Department of Parks and Land Use and made a part of this Ordinance by reference (SVZ-1500), and subject to the following conditions:

1. The request shall not become effective until certification is provided to the Planning and Zoning Division Staff and the Department of Natural Resources (DNR) by a registered professional engineer that all lands intended to be filled and modified or removed from the 100-Year Floodplain of the Pebble Creek are in fact modified as authorized and provided with compensatory storage areas, that will offset any storage capacity which may be lost as the result of the construction of any of the roads, improvements or stormwater management facilities on the site.
2. If a Chapter 30 Permit (Wisconsin State Statutes) is required by the DNR, that Permit shall be applied for and received prior to any construction commencing on the site. A Letter of Map Amendment from the Federal Emergency Management Agency (FEMA) as it affects this property may be required as well, if any areas under FEMA jurisdiction are affected.
3. Because of additional design data and review, the development related to the shoreland areas shall be required to comply with Stormwater Management and Erosion Control Performance Standards based on the cold water creek status of Pebble Creek as set forth in the Wisconsin State Administrative Rule NR-151, and that plans within such shoreland areas be approved by the Land Resources Division of the Waukesha County Parks and Land Use Department, in accordance with Chapter 14 of the Waukesha County Code.
4. Because it has not been determined whether or not the proposed best management

practices meets standard engineering design principles or DNR technical standards relating to stormwater management practices, and for lack of detailed design data and planning review necessary to make such a determination, best management practices proposed for the project will require compliance with the DNR technical standards and standard engineering design principles as determined by the Land Resources Division of the Waukesha County Department of Parks and Land Use.

5. A 15 ft. wide maintenance easement to any and all stormwater facilities from public roads shall be provided for maintenance inspection and future maintenance equipment for said stormwater facilities and said access easements shall be identified on the condominium plat of this subject property. Said access easements shall also provide access for future inspections by Staff or agents of the City of Waukesha and the Waukesha County Department of Parks and Land Use, Land Resources Division. Further, Maintenance Plans shall be recorded in the Waukesha County Register of Deeds Office at the time of recording of the Condominium Plat and shall be developed in accordance with Waukesha County guidelines, including provisions for special charges should the responsible party not complete the required maintenance activities as may be determined by the City of Waukesha and Waukesha County.
6. The Condominium Plat shall be submitted to the Waukesha County Department of Parks and Land Use for review and approval to determine compliance with these conditions of rezoning.
7. A Seeding and Revegetation Schedule and Plan shall be submitted for review and approval by the Land Resources Division Staff of the Waukesha County Department of Parks and Land Use at the time the detailed plans for stormwater management and erosion control are submitted.

BE IT FURTHER ORDAINED that the Waukesha County Clerk shall file a certified copy of this Ordinance with the City of Waukesha.

BE IT FURTHER ORDAINED that this Ordinance shall be in full force and effect upon passage, approval and publication.

BE IT FURTHER ORDAINED that all Ordinances inconsistent with or in contravention of provisions of this Ordinance are hereby repealed.